

No. 507, A.]

[Published June 23, 1953.]

### CHAPTER 300

AN ACT to amend 311.08, 311.09 (7), 311.10 (3) and 312.01; to repeal and recreate 310.14, 310.15, 310.20 and 311.04; and to create 324.001 of the statutes, relating to special administrators subsequently appointed executors or general administrators.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 324.001 of the statutes is created to read:

324.001 PERSONAL REPRESENTATIVE. "Personal representative" as used in title XXIX includes executor, administrator, special administrator, administrator de bonis non, administrator with will annexed, ancillary administrator and public administrator, when the latter is administering an estate, but does not include guardian or trustee.

SECTION 2. 310.14 of the statutes is repealed and recreated to read:

310.14 DUTIES OF PERSONAL REPRESENTATIVES. Personal representatives, other than special administrators, shall collect and possess all the decedent's personal estate except that selected under s. 313.15 (1); inventory and have appraised all the decedent's estate; collect all income and rent from such estate of which they have custody; preserve such estate and contest all claims except claims which they believe are valid and which are not objected to by an interested person; pay and discharge out of such estate all expenses of administration, taxes, charges, claims allowed by the court, or such dividends on claims as directed by the court; render just and true accounts; make distribution as the court directs and do such other things as are directed by the court or required by law.

SECTION 3. 310.15 of the statutes is repealed and recreated to read:

310.15 BOND OF PERSONAL REPRESENTATIVE. (1) No person shall act as personal representative, nor shall letters be issued to him until he has given a bond, with one or more sureties, conditioned on the faithful performance of his duties, to the judge of the court in such sum as the judge may direct but not less than the estimated value of the personal property plus one year's income from real estate.

(2) If 2 or more persons are appointed personal representatives, the judge may take a bond from each or a joint bond from all. The amount of each bond shall be not less than the estimated value of the personal property plus one year's income from real estate whether individual bonds or a joint bond is furnished.

(3) If any distributee including one serving as personal representative, stipulates to a reduction of the bond and that his share of the estate stand as excess surety to the extent of the reduction, the judge may reduce the bond an amount equal to the estimated share of such distributee, provided that the bond shall be in an amount estimated to be sufficient to cover the debts, taxes, expenses of administration and interests of all persons not so stipulating.

(4) If a will requests that an executor serve without bond the judge may grant the request or may at any time on his own initiative or upon request of any creditor or interested person require a bond with one or more sureties.

(5) If it appears that nothing of value except the proceeds of claims for personal injuries to the deceased or for his death will come into the hands of a personal representative, he need not initially give any bond, but he shall give a bond in an amount directed by the judge before receiving such proceeds, or before he assumes control over any other property of the estate.

(6) The provisions of s. 331.345 shall not apply to bonds of personal representatives.

SECTION 4. 310.20 is repealed and recreated to read:

310.20 PERSONAL REPRESENTATIVES, VACANCIES, RESIGNATIONS, ADMINISTRATION DE BONIS NON. (1) The judge may accept the written resignation of any personal representative. If a personal representative resigns, dies, or his authority is otherwise terminated the remaining personal representative may administer the estate; if there is no other personal representative the court on petition shall appoint one. He shall give bond as provided in s. 310.15.

(2) If the court appoints an administrator de bonis non, the court shall order him and his predecessor or his predecessor's personal representative to appear at a stated time and place upon notice to interested persons to settle the predecessor's account; upon such settlement the property of the estate shall be delivered to the new administrator.

SECTION 5. 311.04 is repealed and recreated to read:

311.04 TO GIVE BOND. Every administrator shall give bond as provided in s. 310.15.

SECTION 6. 311.08 of the statutes is amended to read:

311.08 BOND OF SPECIAL ADMINISTRATOR. \* \* \* *If it appears that anything of value will come into \* \* \* the hands \* \* \* of the special administrator the judge shall require him to give bond \* \* \* as required in s. 310.15. If it \* \* \* appears that \* \* \* nothing of value will come into \* \* \* his hands \* \* \* the court may appoint such special administrator without bond subject to the provisions of s. 310.15 (5). If the person appointed special administrator is subsequently appointed executor or administrator, his bond given as special administrator, if given after the effective date of this amendment, shall continue in effect as the bond of executor or administrator, unless otherwise ordered by the judge.*

SECTION 7. 311.09 (7) of the statutes is amended to read:

311.09 (7) Such special administrator shall be allowed all necessary expenses incurred in the care and management of the estate and for his services \$2.50 per day and such further compensation as the court shall judge to be reasonable. *If a special administrator is subsequently appointed executor or administrator, his compensation as special administrator may be considered and fixed at the time his compensation as executor or administrator is determined.*

SECTION 8. 311.10 (3) of the statutes is amended to read:

311.10 (3) Upon the granting of letters testamentary, or of administration of the estate of the decedent, the power of the special administrator shall cease and such special administrator shall forthwith *file an account and* deliver to the executor or administrator all the goods, chattels, moneys and effects of the deceased in his hands. The court may accept the receipt in writing of the duly appointed executor or administrator of the estate as evidence of such delivery. *If the special administrator is subsequently appointed executor or administrator he need not then file an account as special administrator unless his bond is not continued as his bond of executor or administrator. If no accounting as special administrator is made he shall account for the special administration in his account as executor or administrator. If \* \* \* the court is satisfied that he has properly performed his duties the court may discharge such special administrator, with or without notice. If notice of hearing upon the application for discharge is required it shall be given pursuant to the provisions of s. 324.18.*

SECTION 9. 312.01 of the statutes is amended to read:

312.01 Every \* \* \* *personal representative* shall, within 3 months after his appointment, make and return to the court a true inventory of all the property of his decedent which shall come to his possession or knowledge, *including for tax purposes life insurance, joint and life tenancies and gifts made in contemplation of death or taking effect upon death or made within 2 years prior to death.* The inventoried property shall be appraised by disinterested persons, appointed by the \* \* \* *judge*, who shall be sworn to a faithful discharge of their duty. \* \* \* *If the estate consists solely of money or securities listed on recognized stock exchanges or both there need be no appraisal. If a special administrator has filed an inventory and appraisal no other personal representative need file a further inventory unless additional property is found or the judge orders otherwise.* The appraisers shall set down opposite to each item,

in such inventory, the value thereof, and certify the same. A separate inventory shall be made of the household furniture and other personal property allowed to the widow, pursuant to s. 313.15 (1), but the same shall not be assets in the hands of the \* \* \* *personal representative*. Where the estate is situated in 2 or more counties appraisers may be appointed for each county.

Approved June 17, 1953.

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